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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

U.S. PATENT APPLICATION SERIAL NO. 09/667,284
FILING DATE 22 September 2000
INVENTORS Thomas D. Dickson, Jr., et al.
ASSIGNEE K-TEC, Inc.
GROUP ART UNIT 3712
EXAMINER Drew Becker
ATTORNEY'S DOCKET NO. 46264.0002
TITLE "Blending Station Apparatus and Method"

DECLARATION OF THOMAS D. DICKSON UNDER 37 CFR §1.132

To: Commissioner for Patents
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I. THOMAS D. DICKSON, declare that:

1. I am the inventor named on the patent application referenced above and the inventor of the subject matter described and claimed therein. I have reviewed and understand the contents of the above-identified application and the Office Action dated 13 August, 2004.

2. I am skilled in the art of blending devices, blending methods, and pumps, particularly blending devices, methods, and pumps for foodstuffs.

3. I have studied U.S. Patent No. 5,619,901 issued to Reese et al., U.S. Patent No. 6,326,047 issued to Farrell, U.S. Patent No. 5,706,661 issued to Frank et al., and U.S. Patent No. 5,173,458 issued to Maddux.

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4. Reese et al. does not disclose a pump operatively coupled to a foodstuffs supply line to introduce foodstuffs into a blending container. Reese et al. discloses a plurality of beverage receptacles 20 located above a blender 12.

5. Beverages from the beverage receptacles 20 of Reese et al. are gravity fed into the blender 12 through a piston subassembly 43. The piston subassembly 43 meters a predetermined amount of beverage into the blender. The piston subassembly 43 is an important feature of the Reese et al. invention.

6. It would not be obvious to one of skill in the art as to how a pump could be incorporated with the piston subassembly 43 of Reese et al. The existence of the piston subassembly 43 leaves very little, if any, room for additional mechanical equipment in the discharge port 41 that the Examiner refers to as a liquid supply line. There is no reasonable expectation of successfully combining a pump, such as the peristaltic pump 26 described by Farrell, with the discharge port 41 of Reese et al.

7. It is my understanding that the reason offered by the Examiner that a skilled artisan would combine the teachings of Reese et al. with Farrell is that it would have been obvious to add the pumps of Farrell to Reese et al. to "[permit] the location of the fluid tanks [20] [in] another location, for instance below or beside the blending container, to provide more operating space in the kitchen or workplace."

8. As one of skill in the art, I can unequivocally conclude that persons of ordinary skill in the art would have no motivation to combine the teachings of Reese et al. and Farrell to provide more operating space. Reese et al. already teaches a vertical alignment of the fluid tanks. Moving the fluid tanks beside the blending container would result in less, not more operating space. Moving the fluid tanks below the

blending container would offer no advantage, and would instead add to the complexity of the Reese et al. device. Persons of ordinary skill in the art would not be motivated to add to the complexity of a working device, especially when the complexity offers no advantage.

9. Maddux is nonanalogous art with respect to the Reese et al. or any other blending device. Maddux is directed to a stand-alone portable sink. One of skill in the art would not consider a stand-alone portable sink to be in the field of blending stations or reasonably pertinent to blending stations.

10. Maddux does not teach a self-contained beverage device, Maddux teaches a portable sink.

11. The Examiner's citation to column 4, lines 57-63 of Reese et al. does not teach cleaning or a sink.


12. The Examiner's citation to column 1, lines 6-14 of Maddux refers to prior art beverage dispensing carts. However, Maddux does not teach a beverage dispensing device, Maddux teaches a portable sink.

13. It would not be obvious to one of skill in the art to *incorporate* the portable, stand-alone sink of Maddux with the blending device disclosed by Reese et al. as suggested by the Examiner. There is nothing in Reese et al. that would motivate such a combination.

14. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under section 1001

of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-referenced application or any patent issuing thereon.

13 DEC 2004
Date


Thomas D. Dickson